

TOWN OF NEWTON
MILITARY LEAVE
(Adopted June 2, 2008)

Any employee will be granted leave for duty who serves in the Armed Forces or the New Hampshire National Guard. Full-Time employees only will be entitled to ten (10) days of leave with pay for reserve duty. The Town of Newton will pay the employee, the difference between the military earnings and the regular pay, not to exceed eight (8) hours per day. This leave shall not affect the employees annual "Personal Time Off" (PTO) however employees are entitled to apply their accrued PTO leave to their reserve service before beginning the unpaid portion. The benefits of regular full-time employees shall continue to accrue during the reserve service period. Employee contributions towards benefits shall not be required during active military duty.

Benefits Coverage While on Unpaid Leave

Health/Dental Insurance for employees is provided by the Military during active service. Employees serving a period of less than 31 days, who wish to continue health/dental insurance with the Town, may do so by paying the usual employee cost which may be paid in advance or upon return through payroll deductions.

If a Military Leave lasts 31 days or more, then the employee's health insurance coverage will cease and the employee will be eligible to continue his or her health insurance coverage under COBRA at his or her own expense for up to 18 months from the date the leave began, by paying 100% of the total premium (Town and Employee portions) in accordance with the Uniform Services Employment and Re-employment Rights Act of 1994 (USERRA).

If applicable, Town pension contributions, tax-deferred annuity contributions, life insurance, short or long term disability and contributions to flexible spending accounts are suspended during the uniformed service leave period. Entering and/or leaving active service is a "qualifying event" that triggers the right to make benefit election changes. Upon reinstatement, the employee will resume coverage without any new waiting periods or exclusions for pre-existing conditions (except for military service-related medical conditions).

Reinstatement of Employment

Upon returning from active duty, the employee will be reinstated to the position s/he vacated or to another position of like status when:

1. S/he submits a written or verbal application for reemployment;
2. Provides documents of honorable service of less than 91 days, such as the Certificate of Release or Discharge from Active Duty (Form #DD214) or a copy of duty orders indicating completion of service;

Military Leave continued

3. If disabled by reason of uniformed service, employees are entitled to be reinstated, within two years after their service ends, to their former position or positions of similar pay and status for which they are qualified, with reasonable accommodations.

To be eligible for reinstatement, employees must apply within the time periods as outlined below:

- After completing uniformed service of 30 or fewer days, the employee is entitled to a period allowing for safe transportation from the place of service to the place of residence, plus eight (8) additional hours. Beginning with the first full, regularly scheduled work day after this period, the employee is to report to the Town.
- After completing uniformed service of 31-180 days, the employee must apply for reinstatement no later than 14 days after service is completed.
- After completing uniformed service of 181 days or more, the employee must apply for reinstatement no later than 90 days after service is complete.

If, through no fault of their own, it is impossible or unreasonable for employees to apply for reinstatement within the prescribed period, they may report as soon as possible following the period, without forfeiting their reinstatement rights.

Protection from Discharge Period

Upon reinstatement, an employee is protected from discharge without cause for a period of time tied to the length of uniformed service. One year of protection is provided if the period of uniformed service was more than 180 days. Six months protection is provided for service of 31 to 180 days. There is no protection period for service of less than 31 days.